

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ISAHA CASIAS,

Plaintiff,

v.

No. 16-CV-00056

STATE OF NEW MEXICO DEPARTMENT
OF CORRECTIONS; TARACINA MORGAN; and
HERMAN GONZALES,

Defendants.

TRANSMITTAL OF STATE COURT RECORD

COME NOW defendants, by and through counsel of record, Kennedy, Moulton & Wells, P.C., by Debra J. Moulton, and hereby submit copies of all pleadings filed in New Mexico District Court, First Judicial District, County of Santa Fe, Case No. **D-101-CV-2015-01484**.

Respectfully Submitted,

KENNEDY, MOULTON & WELLS, P.C.

/s/ Debra J. Moulton
DEBRA J. MOULTON
Attorneys for defendants
2201 San Pedro NE, Bldg.3, Suite 200
Albuquerque, New Mexico 87110
(505) 884-7887

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via CM/ECF to:

Matthew E. Coyte
201 3rd St. NW, Suite 1920
Albuquerque, NM 87102
(505) 244-3030

on this 25th day of January, 2016.

/s/ Debra J. Moulton
DEBRA J. MOULTON

FIRST JUDICIAL DISTRICT COURT
STATE OF NEW MEXICO
COUNTY OF SANTA FE, RIO ARRIBA & LOS ALAMOS

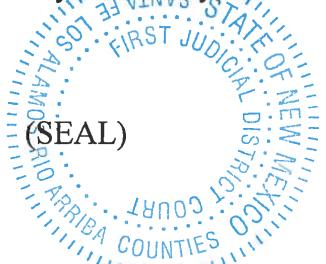
Case No. D101CV201501484

CERTIFICATE OF AUTHENTICATION

UNITED STATES OF AMERICA
STATE OF NEW MEXICO
COUNTY OF SANTA FE, RIO ARRIBA & LOS ALAMOS

I, STEPHEN T. PACHECO, Clerk of the District Court within and for the County of Santa Fe, State of New Mexico, do hereby certify that the attached and foregoing is a true and correct copy of the cause titled ISAHA CASIAS, Plaintiff, v. STATE OF NEW MEXICO DEPARTMENT OF CORRECTIONS; TARACINA MORGAN,; and HERMAN GONZALES, Defendants, as the same appears of record in the above entitled cause in said Court.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Court this 19th day of January, 2016.

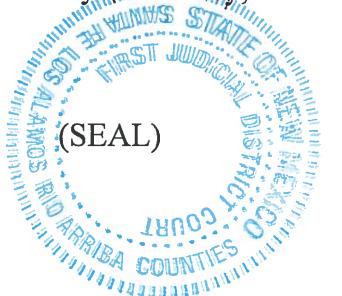



Stephen T. Pacheco
Clerk of the District Court

UNITED STATES OF AMERICA
STATE OF NEW MEXICO
COUNTY OF SANTA FE, RIO ARRIBA & LOS ALAMOS

I, David K. Thomson, Judge of the District Court within and for the County of Santa Fe, State of New Mexico, do hereby certify that on this 19th day of January, 2016, STEPHEN T. PACHECO, was duly appointed as Clerk of the District Court within and for the County of Santa Fe, State of New Mexico, and that I am familiar with the signature of said STEPHEN T. PACHECO and that foregoing signature is genuine, and the foregoing Certificate of the Clerk of said Court is in due and proper form.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Court this 19th day of January, 2016




David K. Thomson
District Court Judge

UNITED STATES OF AMERICA
STATE OF NEW MEXICO
COUNTY OF SANTA FE, RIO ARRIBA & LOS ALAMOS

I, STEPHEN T. PACHECO, Clerk of the District Court within and for the County of Santa Fe, State of New Mexico, do hereby certify that on this 19th day of January, 2016, David K. Thomson was duly elected and qualified as Judge of the District Court within and for the County of Santa Fe, State of New Mexico, which is a Court of record, and the above and foregoing signature of said Judge is genuine and that the seal of said court is in my custody, and I hereby verify that the seal of said Court which is attached hereto, is in due and proper form.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Court this 19th day of January, 2016.



(SEAL)



Stephen T. Pacheco
Clerk of the District Court

**FIRST JUDICIAL DISTRICT COURT
STATE OF NEW MEXICO
COUNTY OF SANTA FE**

ISAHA CASIAS,

Plaintiff,

v.

No. D-101-CV-2015-01484

**STATE OF NEW MEXICO DEPARTMENT
OF CORRECTIONS; TARACINA MORGAN; and
HERMAN GONZALES,**

Defendants.

COMPLAINT FOR PERSONAL INJURIES

Plaintiff, Isaha Casias, by his counsel Matthew Coyte (Coyte Law, P.C.), brings this complaint for damages caused by the violation of his civil and constitutional rights under 42 U.S.C. § 1983. Plaintiff also brings this action under the New Mexico Tort Claims Act, NMSA 1978, §§ 41-4-1 et seq. for the torts committed by the named corrections officers employed by Defendant Department of Corrections (“DOC”). In support of this Complaint, Plaintiff alleges the following:

JURISDICTION AND VENUE

1. This Court has jurisdiction of this action and the parties. Venue is proper as the cause of action originated within Santa Fe County, New Mexico.

PARTIES

2. Plaintiff Isaha Casias is an individual and resident of Hesperus, Colorado. Mr. Casias was an inmate in the custody and care of Defendant Department of Corrections, hereinafter DOC, from May 31, 2013, to August 7, 2014. While

incarcerated, Mr. Casias was completely dependent upon Defendant DOC for his care and well-being.

3. Defendant DOC is a governmental entity within the State of New Mexico. At all times material to this Complaint Defendant DOC was the employer of the individual defendants.
4. Defendant Taracina Morgan at all material times was a corrections officer working for Defendant DOC.
5. Defendant Herman Gonzales at all material times was a corrections officer working for Defendant DOC.
6. Defendant Morgan was acting under color of state law and within the scope of her employment at all material times.
7. Defendant Gonzales was acting under color of state law and within the scope of his employment at all material times.
8. Defendant Morgan is sued in her individual capacity only.
9. Defendant Gonzales is sued in his individual capacity only.

FACTUAL BACKGROUND

10. On July 11, 2013, Mr. Casias was one of several inmates being transported from the Central New Mexico Correctional Facility in Los Lunas to the Lea County Correctional Facility in Hobbs. On the way, the transport stopped at the Western New Mexico Correctional Facility in Grants, at the Penitentiary of New Mexico (PNM) in Santa Fe, and at the Guadalupe County Correctional Facility in Santa Rosa.

11. All of the facts alleged occurred on this date during this transport trip unless otherwise noted.
12. Defendants Morgan and Gonzales were the corrections officers in control of the van transporting Mr. Casias and the other inmates.
13. All of the inmates being transported were in full restraints, consisting of belly chains connected to a “black box” that secured their wrists together and leg shackles.
14. The inmate section of the van had no open windows and minimal ventilation.
15. At approximately 12:00 p.m., Defendants Morgan and Gonzales made a stop at southern PNM sally port to pick up more inmates. They stopped the van, cutting off the air supply through the ventilation hole in the back of the van.
16. While Defendant Gonzales went into the prison facility to locate the inmates, Defendant Morgan went around to the back of the transport van and opened the back doors to give the inmates some air.
17. July 11, 2013, was a very hot New Mexico summer day.
18. Defendant Gonzales was gone for ten to thirty minutes.
19. In that time, the inmates confined in the back of the transport van complained to Defendant Morgan about the intense heat they were experiencing inside the enclosed metal box that was the transport van.
20. Even with the van doors open, and being seated closest to the door, Mr. Casias describes it as having been “unbearably hot” inside the van.
21. Defendant Morgan told them to stop “acting like little pussies” and to “tough it out.”

22. One of the back doors blew shut. When the inmates asked Defendant Morgan to open it she refused and told them to be quiet.
23. The inmates begged Defendant Morgan to be let out of the van to get some fresh air because with it being fully enclosed metal “in that sun it is like an oven.”
24. Defendant Morgan told them to “be patient” and said, “My kids can handle more than this.”
25. Defendant Morgan was visibly upset with the inmates’ complaints.
26. After Defendant Gonzales returned with two new inmates to transport, there were eleven inmates being transported in the van, sitting tightly hip to hip.
27. The van continued to its next stop at north side of PNM to pick up another prisoner, stopping at approximately 12:30 p.m.
28. Defendants Morgan and Gonzales again turned off the van, cutting off the air supply through the ventilation hole in the back of the van.
29. This time, both Defendant Morgan and Defendant Gonzales went into the prison facility without ensuring that the inmates confined in the back of the van had a source of air supply through the van’s air conditioning ventilation system.
30. Defendants Morgan and Gonzales told the inmates that they were picking up one more inmate and to “sit tight and be quiet.”
31. Inmate F.H. heard another inmate complain to Defendants Morgan and Gonzales that it was very hot and that he was “having a hard time breathing.”
32. Inmate F.H. heard the inmate who was having a hard time breathing request Defendants Morgan and Gonzales open the doors to give them some air flow, but Defendant Morgan and Herrera told them “no” and to “just deal with it.”

33. According to Inmate F.H., when the inmates tried to explain how hot it was without any air conditioning or air flow, which made it hard to breathe, Defendants Morgan and Gonzales ignored them, closed the doors without giving them any air source, and left to get the PNM north inmate to transport.
34. Within minutes Mr. Casias and the other inmates began to sweat profusely.
35. With the inmates being packed-in “hip to hip”, Mr. Casias describes the body heat as being “intense.”
36. After more time passed it became clear to the men they had been abandoned.
37. The men began to panic and scream.
38. The van itself began to sweat, as the inside of the walls dripped with condensation.
39. Mr. Casias told the inmate next to him: “I can’t take this, I am really having a hard time breathing.”
40. Inmate G.C. describes all the inmates as having been dehydrated and “gasping for air.”
41. Mr. Casias got dizzy, started to see spots, and lost consciousness.
42. When he woke up he heard the other inmates screaming and yelling.
43. As inmates watched some of the other inmates lose consciousness, they really started to panic and began to bang their heads and bodies against the side of the van and tried to rock it in hopes of getting someone’s attention.
44. Mr. Casias started to hyperventilate, felt like he was going to die, and then lost consciousness from the lack of oxygen again.
45. When Mr. Casias woke up, he was on the floor of the transport van.

46. Mr. Casias moved to lean against the door and put his mouth against the metal door, trying to get fresher air.

47. He passed out again leaning against the van door.

48. Several other inmates lost consciousness as well.

49. Inmate D.D. describes regaining consciousness and feeling so weak he “could no longer scream for help” before blacking out again.

50. Defendants Morgan and Gonzales left the inmates in the back of the van for approximately forty-five minutes to an hour in the intense mid-day desert heat.

51. The temperature in the van became life threatening.

52. Inmate D.D. described it feeling like he “literally began to cook.”

53. Inmate D.D. remembered making his “peace with God”, feeling sure he was going to die.

54. When Defendants Morgan and Gonzales finally returned and opened the back of the van, an unconscious Mr. Casias fell out of the van, hitting his face and back on the bumper before landing on the ground and waking up.

55. A PNM Corrections Officer with Defendants Morgan and Gonzales yelled at them, saying, “You left them in the van for this long?!” and “Get them out of the van. Look at them. You guys left the van off.”

56. The inmates, soaked from head to toe in sweat, rushed to the door gasping for fresh air, trampling over each other in the process.

57. One of the corrections officers called in an emergency on his radio.

58. The heat inside the van was so intense Mr. Casias described feeling “cold” once outside in the hot summer air.

59. Still laying on the ground, Mr. Casias had a seizure.
60. Mr. Casias does not have a history of seizures.
61. Medical staff arrived and began to treat the inmates one by one.
62. Medical staff diagnosed the inmates with high blood pressure and dehydration.
63. The PNM corrections officer carried Mr. Casias inside the facility since his condition was worse than the other inmates.
64. Defendants Morgan and Gonzales ordered the inmates back into the van to continue on the trip.
65. The PNM medical staff objected, insisting that the inmates be given water to treat their dehydration first.
66. The PNM medical staff advised that they might need to keep the inmates there to treat them because of “how bad they looked” but Defendants Morgan and Gonzales refused.
67. After the inmates drank a cup of water, Defendants Morgan and Gonzales loaded the inmates back into the van.
68. The van was so tightly packed that Defendants Morgan and Gonzales returned the inmate from PNM north because there was not enough room for him.
69. The medical staff at PNM advised that Mr. Casias should stay there to be treated for his injuries.
70. Defendants Morgan and Gonzales refused, citing “too much paperwork” and put Mr. Casias back in the van to continue the transport trip.
71. There was nothing for the inmates to drink inside the van.
72. On the way to Santa Rosa, Mr. Casias felt dizzy and vomited.

73. Mr. Casias was so dehydrated he was only able to vomit phlegm.
74. The medical staff at PNM had told the inmates and Defendants Morgan and Gonzales to drink plenty of water at their next stop in Santa Rosa.
75. When the inmates arrived at Santa Rosa, the nursing staff was waiting for them.
76. When the inmates tried to talk to the nursing staff, Defendants Morgan and Gonzales told them to be quiet and ordered the eleven men to share an approximately 8' x 10' cell, with one sink and one toilet.
77. Mr. Casias and the other inmates were extremely thirsty after their experience, but the black box on their belly chain prevented them from using the faucet in order to drink water from the sink.
78. After approximately fifteen minutes, Mr. Casias and the other inmates were each given a sack lunch to eat.
79. It did not contain a drink.
80. Defendants Morgan and Gonzales then ordered Mr. Casias and the other inmates back to the transport van.
81. Mr. Casias and other inmates requested some water before getting into the van.
82. Defendant Morgan asked them why they had not gotten anything to drink from the sink in the cell.
83. When they explained that their shackles prevented them from operating the sink, Defendant Morgan told them, "You'll be okay to get in the van."
84. Defendants Morgan and Gonzales refused to give their names to any of the inmates when several inmates requested them.
85. The transport van arrived in Hobbs around 8:30 p.m.

86. Upon arrival, medical staff was again waiting for them.
87. When Mr. Casias and the other inmates told them what had happened, Defendants Morgan and Gonzales reported that they were lying and that nothing happened.
88. Defendants Morgan and Gonzales also warned staff in Hobbs not give Defendants Morgan's and Gonzales' names to any of the inmates.
89. None of the inmates had been seen by medical staff by the next day, despite still feeling weak, sick, and dehydrated.
90. Mr. Casias personally made a request for medical treatment the day after the incident.
91. When he was not seen, Mr. Casias made another formal request for treatment on July 18, 2013, complaining of wrist and back pain due to the fall out of the van he suffered while unconscious.
92. Mr. Casias was not seen by medical staff until July 23, 2013.
93. As a result of the incident, in addition to suffering the seizure, Mr. Casias suffered from severe wrist and back pain.
94. Mr. Casias also suffers from severe mental anguish anxiety as a result of his treatment by Defendant DOC and Defendants Morgan and Gonzales on July 11, 2013.
95. As a result of being trapped in the back of the transport van in the scorching desert summer heat, he has nightmares about being cooked in an oven.
96. On May 5, 2014, Mr. Casias had a panic episode when he saw Defendant Morgan. He had to be treated by mental health staff after experiencing "shock like symptoms."

97. Humans can suffer injuries and even death if left in hot cars with no ventilation source.

98. Defendants Morgan and Gonzales knew of this risk.

99. Defendants Morgan and Gonzales knew that if they planned to leave the inmates confined in the back of the van, they needed to keep the van running during any transport stops in order to keep the inmates safe and healthy with access to cool air through the van's ventilation system.

100. Defendant Morgan specifically knew that the van was too hot when turned off even when the back door was opened.

**COUNT I: VIOLATION OF EIGHTH AMENDMENT RIGHT TO BE FREE
FROM CRUEL AND UNUSUAL PUNISHMENT
(Defendants Morgan and Gonzales)**

101. Plaintiff restates each of the preceding allegations as it fully stated herein.

102. Defendants Morgan and Gonzales acted with deliberate indifference to a substantial risk of harm when they left the inmates in the van with no air source on a hot day.

103. Defendants Morgan and Gonzales deliberately left the inmates in the van without air conditioning to punish them for their complaints about the heat.

104. This constituted an unnecessary and wanton infliction of pain.

105. Defendants Morgan and Gonzales knew Mr. Casias needed medical attention for his serious injuries after falling out of the van.

106. Defendants Morgan and Gonzales were deliberately indifferent in refusing the medical staff's request to treat Mr. Casias at the PNM facility.

107. Defendants Morgan and Gonzales' deliberate indifference continued when they refused to let Mr. Casias speak to the nursing staff when they arrived in Santa Rosa.

108. Defendants Morgan and Gonzales' deliberate indifference continued as they refused to let Mr. Casias drink sufficient water to treat his dehydration.

109. Defendants Morgan and Gonzales, acting under color of law, thus denied Plaintiff his rights under the Eighth Amendment to the United States Constitution and the New Mexico Constitution.

110. As a direct and proximate cause of the aforesaid, Plaintiff has been damaged as alleged.

COUNT II: NEGLIGENT MAINTENANCE OF A MOTOR VEHICLE
(Defendant DOC and Defendants Morgan and Gonzales)

111. Plaintiff restates each of the preceding allegations as if fully stated herein.

112. Per NMSA 1978, Section 41-4-5 (1977) of the Tort Claims Act, "The immunity granted pursuant to Subsection A of Section 41-4-4 NMSA 1978 does not apply to liability for damages resulting from bodily injury, wrongful death or property damage caused by the negligence of public employees while acting within the scope of their duties in the operation or maintenance of any motor vehicle, aircraft or watercraft."

113. At all times material to the allegations set forth in this lawsuit, Defendants Morgan and Gonzales owed a duty to use ordinary care in their operation of the transport van in order to ensure the health and well-being of Mr. Casias.

114. Defendants Morgan and Gonzales breached their duty to Mr. Casias by turning off the van which cut off the air supply to the back of the van.

115. As a direct and legal cause of Defendants Morgan and Gonzales, Mr. Casias suffered physical and psychological injuries in an amount to be proven at trial.

116. At all times material to the allegations set forth in this lawsuit, Defendants Morgan and Gonzales were employed by Defendant DOC.

117. At the time of the infliction of injuries alleged in this Complaint, Defendants Morgan and Gonzales were acting within the course and scope of their employment with Defendant DOC.

118. Under the Tort Claims Act, the government employer is responsible for the torts of its employees for which immunity is waived. Therefore, as the employer of Defendants Morgan and Gonzales, Defendant DOC is liable for any wrongful act or omission of Defendants Morgan and Gonzales related to the injuries suffered by Mr. Casias.

JURY DEMAND

119. Plaintiff hereby demands a trial by jury on all counts.

WHEREFORE, Plaintiff requests judgment as follows:

1. Compensatory damages in an as yet undetermined amount, jointly and severally against all Defendants, including damages for attorney's fees and emotional harm.
2. Punitive damages in an as yet undetermined amount severally against the individually named Defendants.
3. Reasonable costs and attorney's fees incurred in bringing this action.
4. Such other and further relief as the Court deems just and proper.

Respectfully submitted,

COYTE LAW P.C.

/s/ Matthew E. Coyte

Matthew E. Coyte
Attorney for Plaintiff
201 3rd St NW, Suite 1920
Albuquerque, NM 87102
(505) 244-3030

ISSUED

TO THE ABOVE NAMED DEFENDANT(S): Take notice that:

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA.) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657; or 1-505-797-6066.

Dated at Santa Fe, New Mexico, this 25th day of June, 2015.



STEPHEN T. PACHECO
CLERK OF THE DISTRICT COURT
BY: Debra Hatchell
Deputy

Attorney for Plaintiff or Plaintiff pro se
Name: Matthew E. Coyte
Address: 201 Third Street NW, Suite 1920
Albuquerque, NM 87102
Telephone No.: (505) 244-3030
Fax No.: (505) 242-4339
Email Address: mcoyte@earthlink.net

STATE OF NEW MEXICO)
)ss
COUNTY OF _____)

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in _____ county on the _____ day of _____, 2015, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

[] to the defendant _____ (*used when defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint*)

[] to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (*used when service is by mail or commercial courier service*).

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

[] to _____, a person over fifteen (15) years of age and residing at the usual place of abode of defendant _____, (*used when the defendant is not presently at place of abode*) and by mailing by first class mail to the defendant at _____ (*insert defendant's last known mailing address*) a copy of the summons and complaint.

[] to _____, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at _____ (*insert defendant's business address*) and by mailing the summons and complaint by first class mail to the defendant at _____ (*insert defendant's last known mailing address*).

[] to _____, an agent authorized to receive service of process for defendant _____.

[] to _____, [parent] [guardian] [custodian] [conservator] [guardian *ad litem*] of defendant _____ (*used when defendant is a minor or an incompetent person*).

[] to _____ (*name of person*), _____, (*title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision*).

Fees:

Signature of person making service

Title (*if any*)

Subscribed and sworn to before me this _____ day of _____, 2015.

Judge, notary or other officer
authorized to administer oaths

My Commission expires:

Official title

ISSUED

SUMMONS

<p>First Judicial District Court Santa Fe County, New Mexico Court Address: PO Box 2268 Santa Fe, NM 87504 Court Telephone No.: 505-455-8250</p>	<p>Case Number: D-101-CV-2015-01484 Judge: Honorable David K. Thomson</p>
<p>Isaha Casias, Plaintiff, v. State of New Mexico Department of Corrections, Taracina Morgan, and Herman Gonzales, Defendant.</p>	<p>Defendant Name: State of New Mexico Department of Corrections Address: c/o Gregg Marcantel, Secretary NMDOC, 4337 NM 14, Santa Fe NM 87508</p>

TO THE ABOVE NAMED DEFENDANT(S): Take notice that:

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA.) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657; or 1-505-797-6066.

Dated at Santa Fe, New Mexico, this 25th day of June, 2015.



STEPHEN T. PACHECO
CLERK OF THE DISTRICT COURT
BY: 
Perry

Attorney for Plaintiff or Plaintiff pro se
Name: Matthew E. Coyte
Address: 201 Third Street NW, Suite 1920
Albuquerque, NM 87102
Telephone No.: (505) 244-3030
Fax No.: (505) 242-4339
Email Address: mcoyte@earthlink.net

STATE OF NEW MEXICO)
)ss
COUNTY OF _____)

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in _____ county on the _____ day of _____, 2015, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

[] to the defendant _____ (used when defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint)

[]to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (*used when service is by mail or commercial courier service*).

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

[] to _____, a person over fifteen (15) years of age and residing at the usual place of abode of defendant _____, (used when the defendant is not presently at place of abode) and by mailing by first class mail to the defendant at _____ (insert defendant's last known mailing address) a copy of the summons and complaint.

[] to _____, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at _____ (*insert defendant's business address*) and by mailing the summons and complaint by first class mail to the defendant at _____ (*insert defendant's last known mailing address*).

[] to _____, an agent authorized to receive service of process for defendant

[]to _____, [parent] [guardian] [custodian] [conservator] [guardian *ad litem*] of defendant
(*used when defendant is a minor or an incompetent person*).

[] to _____ (name of person), _____, (title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision).

Fees:

Signature of person making service

Title (if any)

Subscribed and sworn to before me this _____ day of _____, 2015.

Judge, notary or other officer
authorized to administer oaths

My Commission expires:

Official title

ISSUED

FILED IN MY OFFICE
DISTRICT COURT CLERK
6/25/2015 8:14:12 AM
STEPHEN T. PACHECO
Rochelle Ortiz

TO THE ABOVE NAMED DEFENDANT(S): Take notice that:

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA.) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657; or 1-505-797-6066.

Dated at Santa Fe, New Mexico, this 25th day of June, 2015.



STEPHEN T. PACHECO
CLERK OF THE DISTRICT COURT

By: Deputy

STATE OF NEW MEXICO)
)ss
COUNTY OF _____)

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in _____ county on the _____ day of _____, 2015, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

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After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

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[]to _____ the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at _____ (*insert defendant's business address*) and by mailing the summons and complaint by first class mail to the defendant at _____ (*insert defendant's last known mailing address*).

[]to _____, an agent authorized to receive service of process for defendant _____.

[]to _____, [parent] [guardian] [custodian] [conservator] [guardian *ad litem*] of defendant _____ (*used when defendant is a minor or an incompetent person*).

[]to _____ (*name of person*), _____, (*title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision*).

Fees:

Signature of person making service

Title (*if any*)

Subscribed and sworn to before me this _____ day of _____, 2015.

Judge, notary or other officer
authorized to administer oaths

My Commission expires:

Official title

Return

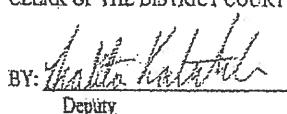
SUMMONS	
First Judicial District Court Santa Fe County, New Mexico Court Address: PO Box 2268 Santa Fe, NM 87504 Court Telephone No.: 505-455-8250	Case Number: D-101-CV-2015-01484 Judge: Honorable David K. Thomson
Isaha Casias, Plaintiff, v. State of New Mexico Department of Corrections, Taracina Morgan, and Herman Gonzales, Defendant.	Defendant Name: State of New Mexico Department of Corrections Address: c/o Gregg Marcantel, Secretary NMDOC, 4337 NM 14, Santa Fe NM 87508

TO THE ABOVE NAMED DEFENDANT(S): Take notice that:

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA.) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657; or 1-505-797-6066.

Dated at Santa Fe, New Mexico, this 25th day of June, 2015.



STEPHEN T. PACHECO
CLERK OF THE DISTRICT COURT
BY: 
Deputy

Attorney for Plaintiff or Plaintiff pro se
Name: Matthew E. Coyte
Address: 201 Third Street NW, Suite 1920
Albuquerque, NM 87102
Telephone No.: (505) 244-3030
Fax No.: (505) 242-4339
Email Address: mcoyte@earthlink.net

RETURN

STATE OF NEW MEXICO

)

COUNTY OF BERNALILLO

)
ss.
)

I, being duly sworn on oath, say that I am over the age of eighteen (18) years and not a party to this lawsuit and that I served this summons in Santa Fe County on July 1, 2015 by delivering a copy of this summons with a copy of complaint attached in the following manner:

[Check one box and fill in appropriate blanks]

To defendant _____ (to be used when person receives a copy of the summons and complaint or refuses to accept the summons and complaint)

to the defendant by [mail] [courier service] as provided by Rule I-004 NMRA (*used when service is by mail or commercial courier service*)

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

To _____ person over fifteen (15) years of age and residing at the usual place of abode of defendant, _____, (*used when the defendant is not presently at place of abode*) located at _____ (*insert defendant's last known mailing address*) a copy of the summons and complaint the time of such service was absent there from.

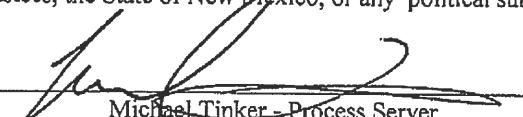
To _____ the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at _____ (*insert defendant's business address*) and by mailing the summons and complaint by first class mail to the defendant at _____ (*insert defendant's last known mailing address*)

To Catherine Earl - IPRA Paralegal, General Counsel at 4337 NM Hwy 14, Santa Fe, NM 87501 an agent authorized to receive service of process for Defendant State of New Mexico Corrections Department c/o Gregg Marcantel, Secretary.

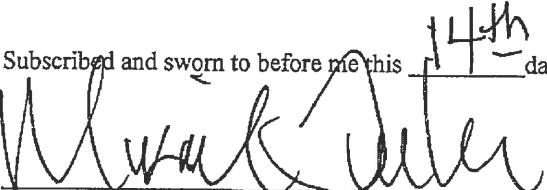
To _____ [parent] [guardian] [custodian] conservator] [guardian ad litem] of defendant _____ (*used when defendant is a minor or an incompetent person*)

To _____ title of person authorized to receive service (used when Defendant is a corporation or association subject to suit under a common name, a land grant, board trustees, the State of New Mexico, or any political subdivision).

Fees: \$ _____


Michael Tinker - Process Server

Subscribed and sworn to before me this 14th day of July, 2015, 2015

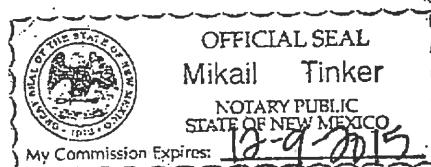


Judge, Notary Public, or other Officer
Authorized to Administer Public Oaths



Notary

Official Title



My Commission Expires:

12-9-2015

Return

TO THE ABOVE NAMED DEFENDANT(S): Take notice that:

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA.) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657; or 1-505-797-6066.

Dated at Santa Fe, New Mexico, this 25th day of June, 2015.



STEPHEN T. PACHECO
CLERK OF THE DISTRICT COURT
BY: 
Deputy

RETURN

STATE OF NEW MEXICO

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)

COUNTY OF BERNALILLO

I, being duly sworn on oath, say that I am over the age of eighteen (18) years and not a party to this lawsuit and that I served this summons in Socorro County on July 20.2015 by delivering a copy of this summons with a copy of complaint attached in the following manner:

[Check one box and fill in appropriate blanks]

To defendant Herman Gonzales at 121 Faulkner, Socorro, NM 87801 (to be used when person receives a copy of the summons and complaint or refuses to accept the summons and complaint)

to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (*used when service is by mail or commercial courier service*)

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

To _____ person over fifteen (15) years of age and residing at the usual place of abode of defendant, _____, (*used when the defendant is not presently at place of abode*) located at _____ (*insert defendant's last known mailing address*) a copy of the summons and complaint the time of such service was absent there from.

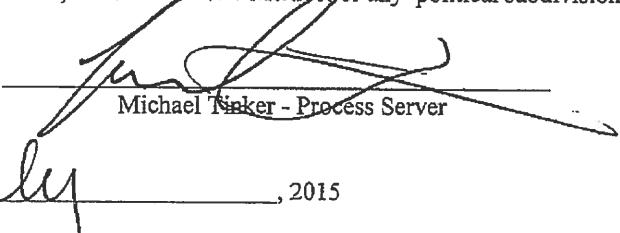
To _____ the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at _____ (*insert defendant's business address*) and by mailing the summons and complaint by first class mail to the defendant at _____ (*insert defendant's last known mailing address*)

To _____ an agent authorized to receive service of process for Defendant _____

To _____ [parent] [guardian] [custodian] conservator] [guardian ad litem] of defendant _____ (*used when defendant is a minor or an incompetent person*)

To _____ title of person authorized to receive service (used when Defendant is a corporation or association subject to suit under a common name, a land grant, board trustees, the State of New Mexico, or any political subdivision).

Fees: \$ _____


Michael Tinker - Process Server

Subscribed and sworn to before me this 23rd day of July, 2015


Mikail Tinker

Judge, Notary Public, or other Officer
Authorized to Administer Public Oaths


Notary
Official Title



My Commission Expires:

12-9-2015

Return

SUMMONS

<p>First Judicial District Court Santa Fe County, New Mexico Court Address: PO Box 2268 Santa Fe, NM 87504 Court Telephone No.: 505-455-8250</p>	<p>Case Number: D-101-CV-2015-01484 Judge: Honorable David K. Thomson</p>
<p>Isaha Casias, Plaintiff, v. State of New Mexico Department of Corrections, Taracina Morgan, and Herman Gonzales, Defendant.</p>	<p>Defendant Name: Taracina Morgan Address: 1617 Sunshine, D Albuquerque, NM 87106</p>

TO THE ABOVE NAMED DEFENDANT(S): Take notice that:

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA.) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657; or 1-505-797-6066.

Dated at Santa Fe, New Mexico, this 25th day of June, 2015.



STEPHEN T. PACHECO
CLERK OF THE DISTRICT COURT
BY: 
Deputy

Attorney for Plaintiff or Plaintiff pro se
Name: Matthew E. Coyte
Address: 201 Third Street NW, Suite 1920
Albuquerque, NM 87102
Telephone No.: (505) 244-3030
Fax No.: (505) 242-4339
Email Address: mcoyte@earthlink.net

RETURN

STATE OF NEW MEXICO)
COUNTY OF BERNALILLO)
) ss.
)

I, being duly sworn on oath, say that I am over the age of eighteen (18) years and not a party to this lawsuit and that I served this summons in Bernalillo County on August 6, 2015 by delivering a copy of this summons with a copy of complaint attached in the following manner:

[Check one box and fill in appropriate blanks]

To defendant Taracina Morgan at 2714 Morningside Dr NE, Albuquerque, NM 87110 (*used when person receives a copy of the summons and complaint or refuses to accept the summons and complaint*)

to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (*used when service is by mail or commercial courier service*)

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

To _____, person over fifteen (15) years of age and residing at the usual place of abode of defendant, _____ (*used when the defendant is not presently at place of abode*) located at _____ (*insert defendant's last known mailing address*) a copy of the summons and complaint the time of such service was absent there from.

To _____ the person apparently in charge at the actual place of business or employment of the defendant at _____ (*insert defendant's business address*).

To _____ an agent authorized to receive service of process for Defendant _____.

to _____ [parent] [guardian] [custodian] conservator] [guardian ad litem] of defendant _____ (*used when defendant is a minor or an incompetent person*)

To _____ title of person authorized to receive service (used when Defendant is a corporation or association subject to suit under a common name, a land grant, board trustees, the State of New Mexico, or any political subdivision).

Fees: \$ _____



Michael Tinker Process Server

Subscribed and sworn to before me this 10th day of August, 2015



Mikail Tinker

Judge, Notary Public, or other Officer
Authorized to Administer Public Oaths

Notary
Official Title

